

SIXTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 21, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor A. B. Davidson.

Roll call, a quorum present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Erelsford.	Nugent.
Carter.	Paulus.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Greer.

Real.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Johnson, the same was dispensed with.

TEMPORARY SUSPENSION OF RULES.

The Chair announced that by unanimous consent he would suspend the rules of the Senate for today relating to visitors coming on the floor of the Senate, as there would be no legislative business transacted.

REGULAR ORDER SUSPENDED.

The Chair stated that, in view of the inaugural ceremonies in joint session today, that there would be no regular morning call.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Conner, Carter, Hudspeth, Collins and Kauffman.

Senate bill No. 87, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase, own and operate the railroads

of the Concho, San Saba & Llano Valley Railroad Company with its franchises and appurtenances; the railroad of the Texas & Gulf Railroad Company with its franchises and appurtenances; the railroad of the Gulf & Interstate Railway Company of Texas with its franchises and appurtenances; or either or any of such railroads with its or their franchises and appurtenances; and until such purchase or purchases is or are made to authorize lease by the Gulf, Colorado & Santa Fe Railway Company of the railroad and other properties of said other companies, or of either or any of them; or to authorize the Gulf, Colorado & Santa Fe Railway Company to lease that portion of the railroad of the Pecos & Northern Texas Railway Company situated between Coleman, Texas, and Sweetwater, Texas, including the railway terminals and other property of the Pecos & Northern Texas Railway Company now or hereafter situated in said cities of Coleman and Sweetwater; and to authorize the Pecos & Northern Texas Railway Company to contract with the Gulf, Colorado & Santa Fe Railway Company for the operation by the officers of the Gulf, Colorado & Santa Fe Railway Company of said railroad between Coleman and Sweetwater."

Read first time and referred to Committee on Internal Improvements.

By Senators Weinert and Real:

Senate bill No. 88, A bill to be entitled "An Act to amend Section 9, Section 9g, Section 14 and Section 15 of Chapter 17, General Laws passed by the First Called Session of the Thirty-first Legislature, regulating the sale of intoxicating liquor, and fixing the hours of opening and closing any house or place of business where intoxicating liquor is licensed to be sold."

Read first time and referred to Judiciary Committee No. 2.

By Senators Willacy, Weinert and Paulus:

Senate bill No. 89, A bill to be entitled "An Act to make an appropriation for one cashier for the Secretary of State for the fiscal year ending August 31, 1913; prescribing the duties of said cashier, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Collins (by request):

Senate bill No. 90, A bill to be entitled "An Act to amend Article 909, Title 13 of Chapter 6 of the Penal Code of the State of Texas, adopted at the Reg-

ular Session of the Thirty-second Legislature, 1911, so as to repeal the provision in said article by which it is made unlawful for any person to have in his or her possession or to sell or ship any redfish more than twelve pounds in weight, and repealing all laws and parts of laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 2.

By Senator Carter:

Senate bill No. 91, A bill to be entitled "An Act to provide for the creation of a Bond Commissioner; fixing his jurisdiction, power and duties over the issuance, approval registration and sale of the bonds of counties, cities, school districts, navigation, irrigation, overflow, drainage and road districts and all other districts and public incorporations now authorized by law to exist in the State of Texas; repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hudspeth:

Senate bill No. 92, A bill to be entitled "An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature, relating to exemptions as affecting employees and ex-employees of common carriers, express, railway, telegraph, news and other companies, persons and corporations, performing service for or in connection with the operation of the railways, the State Railroad Commissioners, peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions, deputy sheriffs, United States marshals and not more than two deputies of each such marshal, chiefs of police and city marshals, eleemosynary and religious societies, volunteer firemen and Confederate veterans, the State Game, Fish and Oyster Commissioner and his two chief deputies, State and county health officers, government representatives accompanying fish for free distribution in the streams of this State, the Dairy and Food Commissioner and two chief deputies, and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines, persons, persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances, constables, members of the State militia in uniform

when called into service, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

ENCOMIUMS ON RETIRING LIEUTENANT GOVERNOR.

Here Senator Willacy arose to a question of personal privilege and, on behalf of the members of the Senate, presented Lieutenant Governor Davidson, retiring today from office, with a beautiful silver flower vase, beautifully inscribed.

Senator Willacy spoke in laudation of his services to the State, and expressed the wish of his former colleagues in the Senate for future happiness in his home life and yet greater usefulness in behalf of Texas.

Governor Davidson responded with emotion. He briefly reviewed his long tenure in office, eight years as a Senator and six years as Lieutenant Governor, and said that it was not the relinquishment of office that he regretted, but the breach in the companionship of himself with the Senators that would ensue. He gratefully accepted the remembrance.

JOINT SESSION.

At 11:55 o'clock a. m., the Chair (President Pro Tem. Lattimore) announced that the hour, 12 o'clock, noon, having arrived, the Senate would proceed to the Hall of the House of Representatives for the purpose of attending and witnessing the inauguration of the Governor and Lieutenant Governor, viz.: O. B. Colquitt and Will H. Mayes.

INAUGURATION OF GOVERNOR AND LIEUTENANT GOVERNOR.

(In Joint Session.)

At the hour of 12 o'clock m., fixed by concurrent action of the two houses for the Senate and House of Representatives to meet in joint session for the purpose of inaugurating the Governor-elect and Lieutenant Governor-elect, the Honorable Senate was announced at the bar of the House and, by direction of the Speaker, were admitted.

Escorted by the Sergeant-at-Arms of the Senate, M. F. Hornbuckle, and the Secretary of the Senate, W. V. Howerston, and the Journal Clerk of the Senate, R. M. Gilmore, the Senators advanced into the Hall and, by direction of the Speaker of the House, occupied

seats already prepared for them along the aisle.

The President Pro Tem. of the Senate, Hon. O. S. Lattimore, by invitation of the Speaker, occupied a seat on the Speaker's stand on the left of the Speaker.

Hon. O. B. Colquitt, Governor-elect, and Hon. Will H. Mayes, Lieutenant Governor-elect, accompanied by Senators Watson, Nugent and Gibson, the joint committee on the part of the Senate, and Messrs. Jordan, Henry of Wichita, Woods of Navarro, Robbins and Fountain, the joint committee on the part of the House; Chief Justice of the Supreme Court, Hon. T. J. Brown; Associate Justice of the Supreme Court, Hon. Nelson Phillips, and others, at 12:10 o'clock p. m., being announced at the bar of the House, were admitted and were conducted to the Speaker's stand, where they were invited to seats.

The President Pro Tem. of the Senate then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Greer. Real.

The President Pro Tem. of the Senate announced a quorum of the Senate present.

The Speaker then directed the Clerk to call the roll of the House.

The roll was called, and the following members answered to their names:

Allison.	Burnmeister.
Baker.	Burns.
Barrett of Jones.	Butler.
Barrett of Titus.	Byrne.
Bartley.	Calvin.
Bierschwale.	Campbell.
Boehmer.	Chrestman.
Brown.	Colley.
Bruce.	Colquitt.
Burges.	Cooper.

Cope.	Morris of Coryell.
Cox of Delta.	Morris of Victoria.
Cox of Ellis.	Mulcahy.
Craven.	Murray.
Crisp.	Nabours.
Davis.	Neeley.
Dickson.	Olander.
Diffie.	Oliver.
Dodson.	Owsley.
Dove.	Paddock.
Dunn.	Parks.
Fields.	Patton.
Flournoy.	Powell.
Foster.	Raiden.
Fountain.	Ratliff.
Fuller.	Reedy.
Furrh.	Reeves.
Gates.	Rickerson.
Gentry.	Ridgell.
Glasscock.	Ritchie.
Greenwood.	Roach.
Griggs.	Robbins.
Grindstaff.	Robertson.
Goodner.	Rogers.
Hagins.	Ross.
Hall.	Russell.
Haney.	Savage.
Harp.	Schwegmann.
Harris.	Simpson.
Haxthausen.	Smith.
Heilig.	Spann.
Henry of Bowie.	Spradley.
Henry of Wichita.	Stephens of Upshur.
Herder.	Stevens of Liberty.
Hill.	Stone.
Hornby.	Sullivan.
Householder.	Tarver.
Hughes.	Taylor.
Humphrey.	Templeton.
Hunt.	Tillotson.
Hunter.	Tyson.
Jordan.	Ussery.
Kelley.	Vannoy.
Kennedy.	Vickers.
Killingsworth.	Wagstaff.
King.	Wahrmond.
Kirby.	Walker.
Lane.	Watson of Hays.
Lewelling.	Watson of Mills.
Long.	Webb.
McAskill.	Williams
McDaniel.	of Hopkins.
Macgill.	Williams
McKamy.	of McLennan.
McNeal.	Woods of Fisher.
Mangum.	Woods of Navarro.
Mendell.	Wortham.
Mills.	Yarbrough.

Absent.

Cunningham.

Absent—Excused.

Zagby.	Collins.
Broughton.	Parker.
Buchanan.	Rowell.

The Speaker announced a quorum of the House present.

Speaker Terrell then directed the Clerk to read from the House Journal of January 20, 1913, the report of the joint committee appointed to make arrangements to count the vote for, and to arrange for the inauguration of, Governor and Lieutenant Governor, which report was, on that day, duly adopted.

The Clerk then read the report as follows:

Committee Room,
Austin, Texas, January 17, 1913.

Hon. Chester Terrell, Speaker of the House of Representatives, and Hon. A. B. Davidson, President of the Senate.

Sirs: Your joint committee, appointed to make arrangements to count the vote and arrange for the inauguration of the Governor and Lieutenant Governor, begs leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Monday, the 20th day of January, A. D. 1913, at 11 o'clock a. m., for the purpose of counting said votes, and that the House and Senate shall sit in joint session in the Hall of the House of Representatives on Tuesday, the 21st day of January, 1913, at 12 o'clock noon, at which time the joint committee will escort the Governor and Lieutenant Governor-elect to the Speaker's stand, and the oath of office will be administered to them by Judge T. J. Brown, Chief Justice of the Supreme Court.

WATSON,
NUGENT,
GIBSON.

On the part of the Senate.
JORDAN,
HENRY of Wichita,
WOODS of Navarro,
ROBBINS,
FOUNTAIN.

On the part of the House.

Bishop George H. Kinsolving of the Episcopal church, on request of the President Pro Tem. of the Senate, offered prayer.

The Speaker then announced that the two houses were in joint session for the purpose of inaugurating the Governor-elect and Lieutenant Governor-elect.

Hon. Nelson Phillips, Associate Justice of the Supreme Court, was requested by the Speaker to act for Chief Justice Brown in administering the oath of office to the Governor-elect and the Lieutenant Governor-elect.

Hon. O. B. Colquitt, Governor-elect, first came forward and took the oath of

office. Associate Justice Phillips holding the Holy Bible in his right hand, the Governor-elect touching the same with his left hand and holding his right hand erect.

Governor O. B. Colquitt then affixed his signature to the official oath, Associate Justice Phillips attesting same with the great seal of the commonwealth of Texas.

Associate Justice Phillips then administered the oath of office to Hon. Will H. Mayes, Lieutenant Governor-elect, in the same manner as to the Governor-elect.

Lieutenant Governor Mayes then affixed his signature to the official oath, Associate Justice Phillips attesting the same with the great seal of the commonwealth of Texas.

Hon. A. B. Davidson, President of the Senate, being presented to the joint session by Hon. O. S. Lattimore, President Pro Tem. of the Senate, presented Hon. O. B. Colquitt to the joint session and the assemblage.

Hon. O. S. Lattimore, in presenting Lieutenant Governor Davidson, said:

Members of the Joint Session of the Texas Legislature and Ladies and Gentlemen:

It gives me great pleasure as President Pro Tem. of the Senate of Texas to now present to you the Honorable A. B. Davidson, three times elected Lieutenant Governor of this State, who will now address you in presenting the Governor.

Hon. A. B. Davidson, in introducing Governor O. B. Colquitt, said:

Mr. President, Mr. Speaker, Members of the Senate, Members of the House, Ladies and Gentlemen.

We have possibly in this country the simplest form of government that is known to any people in the civilized world; the transference of the powers of government from one individual citizen to another is the simplest of any.

The struggle to obtain political preferment possibly is greater here than in any other country in the world. After that selection has been made, after the people by the ballot have chosen their officers, county, district, State and Nation—transfer it—with ease, and grace and dignity. We are engaged in transferring the power of Governor and Lieutenant Governor to two gentlemen, and I want to commend them both. Because my last race, or my persistency to hold office was such a one, there is a retiring Lieutenant Governor but not a retiring

Governor this time. I take pleasure in introducing to you the next Governor of Texas.

Governor Colquitt then spoke as follows:

Gentlemen of the Legislature, my Fellow Citizens.

As the distinguished ex-Lieutenant Governor has just stated to you, this is one of the simplest and best forms of government ever devised by the mind of man, and I am proud to be a defender of the system of government instituted in this country under the leadership of George Washington with the assistance of men like Benjamin Franklin, Thomas Jefferson and Jas. Madison. The government rests upon the consent of the governed; in Texas as throughout this Republic the people rule; by the will of the people their public servants are chosen. They have a system of election by which our political policies and theories can go before the people and party organization by which the public servants can go before the people and present their convictions upon public questions and leave it to the public who the public servant shall be. This is a fortunate circumstance that the American people have demonstrated better than any other people on the face of this earth, the capacity for self-government and self-control; in moments of passion in hours of prejudice when men are swept off by their saner judgments and are carried away from exercising the wish of suffrage by prejudices or passion, but when the contest is over, American people have submitted to the will of the majority.

I congratulate the people of Texas today, after having passed through the fire of political strife and turmoil that they are prosperous, and happy and contented.

During the past two years as Governor of this State, without fear and without favor of any man or set of men, I have striven to perform my simple duty as Chief Executive of this State, and so help me God I will continue in that course, unafraid of any man and unafraid or dictated to by any set of men.

Today we are on the threshold of great prosperity and development in Texas, more than she has ever witnessed before.

After the campaign for Governor last summer the Democratic party met at San Antonio and adopted one of the most constructive platforms ever written by any party in Texas. If I can have the co-operation and assistance of this Legislature, and I believe I am go-

ing to have, we will put more constructive legislation on the statutes of the State than ever before which will bring neighbor closer to neighbor and build up Texas.

I want to say to you that I have felt proud of my advocacy of political peace in Texas. I believe that we are going to have it. I sincerely solicit the co-operation of the members of the House of Representatives and of the members of the State Senate and of the heads of the departments in the State Government and of all my fellow citizens in redeeming the pledges and promises to which we are committed through the party platform, the party which governs and controls the destiny of the State of Texas.

I want to say to you, my fellow citizens and members of the Legislature, that I stand ready to do, and you will find me ready to carry out the declaration which I made to you two years ago from this platform; I stand ready in matters of difference of opinion, in matters where we differ as to the correct policy of this State, to meet you half way, upon the face of the Golden Rule, which is to do unto others as we would have others do unto us.

We may theorize, we may declaim and write platforms and legislate, but, fellow citizens, we will never legislate upon a better principle than that which is annunciated in the Golden Rule, and, as Governor of this State, I stand ready to carry out the principles therein annunciated.

Now, gentlemen of the Legislature, I want to ask each and every one of you to come to the Governor's office and discuss with me anything about which you are interested and which concerns the welfare, prosperity and the good of our great State. I stand myself for that progress which means development, for that progress which means the betterment of each individual citizen, and shall ask this Legislature to come and join with me in establishing the best system of education of any State in the American nation.

I shall ask you to co-operate with me in building the best University controlled by any State.

I will ask you to join hands with me in making the Agricultural and Mechanical College the best of its kind in the United States.

And I will ask you to join with me in the development of the State Normal Schools and of the College of Industrial Arts for women; and I will ask you to put it in the powers and in each community of the State of Texas

to make for themselves the best system of public schools in all the United States.

I shall ask you, gentlemen of the Legislature—not in the spirit of prejudice, but in the spirit of co-operation—to help me humanize and carry out the policy of humanity in the government of the penitentiary of Texas, and in making that penal institution what it ought to be; and I shall ask the officers throughout the State of Texas to co-operate with me in a full, fair and just enforcement of all the laws of this State; and, lastly, my friends and my fellow citizens, I renew my promise made to the people to do my whole duty as I understand it, unafraid of any man or any set of men.

Hon. Chester H. Terrell, Speaker of the House, being presented to the joint session by Hon. O. S. Lattimore, President Pro Tem. of the Senate, presented Hon. Will H. Mayes to the joint session and the assemblage.

Hon. O. S. Lattimore, in presenting Speaker Terrell, said:

Members of the Joint Session of the Texas Legislature, Ladies and Gentlemen:

It now gives me great pleasure to present to you that knightly and chivalric son of Texas who presides over this end of your legislative body, who will present the Lieutenant Governor. I now present the Hon. Chester Terrell, Speaker of the House of Representatives.

Hon. Chester H. Terrell, in introducing Lieutenant Governor Will H. Mayes, said:

Gentlemen of the House, Gentlemen of the Senate, Ladies and Gentlemen:

I take pleasure in presenting to you on this occasion a man that I know is familiar with the needs and the resources of this State; one who is familiar with its educational institutions and familiar with the progress that we must make if we are to establish first-class universities and colleges in this State; one who, with the Governor, has investigated the penitentiary system; one who has devoted his life to the newspaper business; one who is familiar. I suspect, more than most any member of the Texas Legislature, with the needs and the reasons for the development of this State. And I take pleasure now in presenting to you your Lieutenant Governor, Mr. Mayes of Brown county.

Lieutenant Governor Mayes then spoke as follows:

Members of the Thirty-third Legislature and Fellow Citizens:

It is not my purpose to detain you with an address, but I wish to express my appreciation of the compliment paid me by the people of Texas in electing me to the office of Lieutenant Governor of this State. I made no promises while my name was before the people for election, and I have none to make now, except to faithfully and conscientiously discharge the duties of the office you have entrusted to me with the very best ability I possess.

We have long boasted and rightly, too, of the greatness of our State, but are only just now coming to a real appreciation of its marvelous resources. Empirean as it is in size, Texas is even greater in all the things that contribute to the happiness and prosperity of a people. It had undeveloped and untouched wealth of which even the present generation had not dreamed.

A State like this is confronted with many important and weighty legislative problems with which most other States do not have to deal. Statesmen and not cowards, strong men and not weaklings, patriots and not politicians, are needed in legislative halls.

It has been charged that the wings of this Capitol have in times past been used as arenas of politics, rather than as workshops of law-makers, but what little influence I may have shall be used to obliterate any factional differences that may interfere with the proper transaction of the people's business and to relegate selfish interests to the general good of the State.

Hon. Chester H. Terrell, Speaker of the House of Representatives, at 12:40 o'clock p. m., announced the business of the joint session completed.

SENATE RETIRES.

On motion of Senator Hudspeth, the Senate, at 12:40 o'clock p. m., retired to its Chamber.

IN THE SENATE.

ADJOURNMENT.

The Senate was called to order by President Pro Tem. Lattimore, and

On motion of Senator Astin, the Senate, at 1 o'clock p. m., adjourned until 2 o'clock tomorrow.